

March 9, 2019

Mr. Peter Nelson, Chairman
Colorado River Board of California
770 Fairmont Avenue, Suite 100
Glendale, California 91203-1068
pnelson@cvwd.org

Re: Colorado River Drought Contingency Plans

Dear Mr. Nelson,

As Governors' representatives of the Colorado River Basin States of Arizona, Colorado, Nevada, New Mexico, Utah, and Wyoming, we write to strongly encourage the State of California to join us and immediately and unconditionally approve our negotiated Upper and Lower Basin Drought Contingency Plans (DCPs), and seek the congressional authorization necessary for their implementation. As you know, Lakes Powell and Mead could reach critically low levels as early as 2021 if the unprecedented dry conditions in the Basin do not significantly improve. The DCPs that the seven States carefully negotiated over the last several years are needed now to address this impending crisis.

Recognizing that the first-ever Lower Basin shortage may be determined just five months from now, the Bureau of Reclamation has requested input no later than March 19th in order to consider potential federal actions to revise Colorado River operations should we fail to complete the DCPs. That deadline is soon upon us. Regardless of that deadline, implementing the DCPs in the Upper and Lower Basins is vital to managing the current drought through 2026 in a manner in which the Basins control their own destinies. The DCPs are consensus based tools applicable on a Basin-wide scale to provide additional water supply security to all Colorado River water users and a crucial bridge as we develop new operational guidelines for the future. They are the product of years of collaboration and compromise between the States. Only through such collaboration and compromise are we able to fully achieve the flexibility and innovation found within the DCPs, while at the same time effectively respecting each State's rights under the Law of the River.

If we do not act now as seven States to seek congressional authorization of the DCPs, we risk our ability to implement the DCPs and receive their benefits for water year 2020 and beyond, which could leave in place operational tools that encourage withdrawal of existing conserved water in the Lower Basin and discourage future conservation in both Basins. In addition, we may miss the opportunity to benefit from proportional water scarcity contributions from the Republic of Mexico. Finally, we risk leaving operational decisions to the Secretary of the Interior, who has fewer and less flexible tools to address this impending crisis.

As is true with each Basin State, California has its own unique considerations and challenges. Among them is the Salton Sea. We recognize the importance for California to address declining

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water levels in the Salton Sea and the resulting impacts to public health and ecological integrity in the Imperial and Coachella Valleys. We also recognize California's efforts to manage and mitigate the impacts resulting from a declining Salton Sea, including attempts to secure federal funding. Historic dry conditions and the resulting decline of water supply to each of the States has contributed and will likely continue to contribute to significant economic, environmental and other impacts throughout the Basin. We support regional, state and local stakeholders in their efforts to obtain federal funding through existing or future programs to help address those impacts. However, as negotiated among California water users, California's DCP contributions would not result in adverse impacts to the Salton Sea. Further, a recent alternative proposal by the Metropolitan Water District of Southern California would likewise not cause adverse impacts to the Salton Sea. Accordingly, we support and encourage an approach that allows California to immediately seek congressional approval of the DCPs and ensure implementation upon approval by Congress.

We also understand that concern has been raised regarding the language of the proposed federal DCP legislation that all seven States agreed to collectively develop and seek. It is our position that the proposed legislation is narrowly tailored to authorize and require the Secretary of the Interior to carry out the provisions of the DCPs and limits the Secretary's authority to that which is necessary to carry out the flexible operational tools we developed. It grants no additional authority to the Secretary beyond congressional direction to implement the DCPs upon their execution by the States, and the DCP agreements themselves reserve and recognize each party's existing rights.

The numerous compromises reflected in the DCPs are designed to address critical reservoir elevations at Lakes Powell and Mead through 2026 and thereby safeguard the States' water supplies to the maximum extent possible. The flexible tools found in the DCPs are needed now. However, we cannot implement these tools without federal legislation. Accordingly, we strongly encourage the State of California to join us in immediately seeking congressional authorization of our negotiated DCPs.

Sincerely and respectfully,



Thomas Buschatzke
State of Arizona



James Eklund
State of Colorado

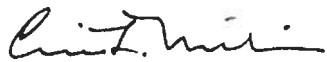


Puoy K. Premsrirut, Chairwoman
Colorado River Commission of Nevada



John J. Entsminger, General Manager
Southern Nevada Water Authority

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Eric Millis
State of Utah



John R. D'Antonio, Jr.
State of New Mexico



Patrick T. Tyrrell
State of Wyoming

cc: Brenda Burman, Commissioner of Bureau of Reclamation
Imperial Irrigation District
The Metropolitan Water District of Southern California
Coachella Valley Water District
Palo Verde Irrigation District
City of Needles